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EXAMINER	
YE, LIN	

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/867,684	GOTANDA, YOSHIHARU	
	Examiner	Art Unit	
	Lin Ye	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/31/06 have been fully considered but they are not persuasive as to claims 8-23.

For claims 8-23, the applicant argues that Umezawa (U.S. Patent 5,491,507) already provides for protecting the lens of the camera when the camera is not in use in order to avoid scratches on the surface of the camera. Therefore, the examiner fails to provide any motivation as to why one skilled in the art would modify the telephone equipment of Umezawa with the automatic lens cover and lens cover driving unit (See Applicant's REMARKS, page 8, 24-26 and page 9, lines 1-3).

The examiner disagrees. It is well known in the camera art that using the automatic lens cover and lens cover driving unit to drive the lens cover for **completely** covering the surface of the camera lens when the camera is not in use. The system of Umezawa is not just simple telephone equipment. The system of Umezawa is an electronic device comprising a telephone device and a camera device. The Umezawa reference uses the indent 25 for protecting the lens of the camera when the camera is not in use in order to avoid scratches on the surface of the camera lens. However, the Umezawa reference does not explicitly state that the indent 25 is a lens cover and the camera has automatic lens cover driving unit to drive the indent 25 **completely** cover the surface of the camera lens portion 24. The Fumio reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having an automatic lens cover for **automatically, completely and securely** covering the surface of the camera lens when the camera is not in use so that

avoiding **any** scratches, waterdrops or dust on the surface of the camera lens. For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the electronic device of Umezawa ('507) for providing a lens cover for the taking lens, and the controlling device controls the lens cover driving device to close lens cover when first mode is set (camera is not using for perform the camera functions) as taught by Fumio ('705).

The applicant argues that the examiner's purported combination would render the video telephone equipment of Umezawa et al. inoperable for its intended purpose, because it would be necessary to limit the mobility of the camera 3 of Umezawa, it would not be achieved as Umezawa discloses video telephone equipment that provides for a camera that is rotatable to a position wherein the camera, as depicted in Figure 7, to a position where the user of the camera may be viewed (See Applicant's REMARKS, page 9, 6-12).

The examiner disagrees. The Fumio reference discloses the camera including a rotatable lens; and an automatic lens cover (8, see Col. 4, lines 54-59); and a lens cover driving unit for driving the lens cover to close while the camera if off or the image pickup unit (4) is **unused position** (See Col. 1, lines 35-40, Col. 5, lines 1-5 and 59-67). This clearly shows the lens cover covering the lens of camera only the position where the camera of Umezawa reference in the storage position as unused position. This does not limit the mobility of the camera 3 of Umzawa.

The applicant argues that the Umezawa reference discloses that the user can use the equipment as a normal telephone even though the equipment is being operated in the video telephone mode. Applicant maintains that these teachings are insufficient to teach or suggest prohibiting the electronic device from performing functions related to the camera whenever

the first mode is set by the mode setting device (See Applicant's REMARKS, page 9, 24-29 and page 10, lines 1-3).

The examiner disagrees. The Umezawa reference clearly states the ordinary telephone conversation corresponding to only the voices, neither the display panel 11 nor the camera 3 can be used. (See Col. 11, lines 17-20). Therefore, the Umezawa reference teaches prohibiting the electronic device from performing functions related to the camera whenever the first mode (ordinary telephone conversation) is set by the mode setting device.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 8-10, 12 and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umezawa et al. U.S. Patent 5,491,507 in view of Fumio et al. U.S. Patent 6,515,705.

Referring to claim 8, the Umezawa reference discloses in Figure 1, an electronic device comprising: a mode setting device (button 15a, see Col. 8, lines 31-33) that sets a first mode (ordinary vocal telephone mode) for a function which is unrelated to camera functions (e.g., the ordinary telephone mode is consider as a first mode corresponding to speech only, see Col. 10, lines 57-68, and a second mode as visual telephone mode which is related camera functions); and a controlling device of equipment (1) that prohibits the electronic device from

performing functions related to the camera whenever said first mode is set by said mode setting device (e.g., the ordinary telephone conversation corresponding to only the voices, neither the display panel 11 nor the camera 3 can be used, see Col. 11, lines 17-20); and a taking lens (24) and image sensing element (3) as shown in Figure 1. However, the Umezawa reference does not explicitly show a lens cover for the taking lens, and the controlling device controls the lens cover driving device to close lens cover when camera is not using for perform the camera functions (in the ordinary vocal telephone mode).

The Fumio reference teaches in Figures 4-5, the camera including an automatic lens cover (8, see Col. 4, lines 54-59); and a lens cover driving unit for driving the lens cover to close while the camera if off or the image pickup unit (4) is **unused position** (See Col. 1, lines 35-40, Col. 5, lines 1-5 and 59-67). . The Fumio reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having an automatic lens cover for **automatically, completely and securely** covering the surface of the camera lens when the camera is not in use so that avoiding **any** scratches, waterdrops or dust on the surface of the camera lens. For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the electronic device of Umezawa ('507) for providing a lens cover for the taking lens, and the controlling device controls the lens cover driving device to close lens cover when first mode is set (camera is not using for perform the camera functions) as taught by Fumio ('705).

Referring to claim 9, the Umezawa and Fumio references disclose all subject matter as discussed with respected to claim 8, and the Umezawa reference discloses wherein said first mode (ordinary vocal telephone mode) is for a portable phone function.

Referring to claim 10, the Umezawa and Fumio references disclose all subject matter as discussed with respected to claim 8, and the Umezawa reference discloses wherein said controlling device does not accept an input from a switch of the camera (e.g., the ordinary telephone conversation corresponding to only the voices, neither the display panel 11 nor the camera 3 can be used, see Col. 11, lines 17-20) when said first mode (ordinary vocal telephone mode) is set by said mode setting device (15a), said switch being provided to a body of the camera for the functions of the camera (e.g., visual telephone mode, see Col. 10, lines 15-16).

Referring to claim 12, the Umezawa and Fumio references disclose all subject matter as discussed with respected to claim 8, and the Umezawa reference discloses wherein said mode setting device (button 15a) chooses between said first mode (ordinary vocal telephone mode) and a second mode (visual telephone mode) for the functions of the camera.

Referring to claim 16, the Umezawa and Fumio references disclose all subject matter as discussed with respected to claim 8, and the Fumio reference discloses wherein said taking lens is collapsed (until it is in the unused position) before said lens cover is closed (See Col. 5, lines 62-67).

Referring to claim 17, the Umezawa and Fumio references disclose all subject matter as discussed with respected to claim 8, and the Umezawa reference discloses wherein the mode setting device (button 15a) is physically actuated directly by a user (See Col. 8, lines 31-32).

Referring to claim 18, the Umezawa and Fumio references disclose all subject matter as discussed with respected to claim 8, and the Umezawa reference discloses wherein the mode

setting device does not set the first mode based upon a detection of a personal computer cable (e.g., the first mode is ordinary vocal telephone mode).

Referring to claim 19, the Umezawa and Fumio references disclose all subject matter as discussed with respected to claim 8, and the Umezawa reference discloses wherein the first mode (ordinary vocal telephone mode) permits portable operation (voice communication operation).

Referring to claim 20, the Umezawa and Fumio references disclose all subject matter as discussed with respected to same comment as with claim 8.

Referring to claim 21, the Umezawa and Fumio references disclose all subject matter as discussed with respected to claim 8, and the Umezawa reference discloses wherein the first mode of operation (the ordinary telephone mode) provides functionality associated with non-image data (e.g., voice data only).

Referring to claim 22, the Umezawa and Fumio references disclose all subject matter as discussed with respected to same comment as with claim 19.

Referring to claim 23, the Umezawa reference discloses wherein the first mode of operation (the ordinary telephone mode) functions without being operable coupled to a personal computer.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Umezawa et al. U.S. Patent 5,491,507 in view of Fumio et al. U.S. Patent 6,515,705 and Oeda et al. U.S. Publication 2001/0012071.

Referring to claim 11, the Umezawa and Fumio references disclose all subject matter as discussed with respected to claim 8, except the references do not explicitly show the lens cover is opened when the recording mode (image pick up mode) is set, and does not move the lens cover when the play mode (reproduction mode) is set.

The Oeda reference discloses in Figure 3, the electronic camera has a recording mode (image pick up mode) for recording image data in a storage medium (flash memory 26 in Figure 4) in the camera, and a play mode for playing an image on a monitor (LCD 29) according to the image data stored in the storage medium in the camera; and controlling device (system controller 15) controls the lens cover switch to open only in recording mode, and does not open the lens cover in the play mode. The Oeda reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system open the lens cover when camera using image pick up unit for photographing and does not move the lens cover when camera only using for reproduction to display image data stored in memory, so that lens cover can protect the taking lens effectively. For that reason, it would have been obvious to the one of ordinary skill in the art to modify the electronic device of Umezawa ('507) for providing the lens cover is opened when the recording mode (image pick up mode) is set, and does not move the lens cover when the play mode (reproduction mode) is set as taught by Oeda ('071).

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Umezawa et al. U.S. Patent 5,491,507 in view of Fumio et al. U.S. Patent 6,515,705 and Tanaka et al. U.S. Publication 2002/0191096.

Referring to claim 5, the Umezawa reference discloses all subject matter as discussed in respected claim 12, except that the Umezawa reference does not explicitly states the camera mode which includes said recording mode and the play mode; and the electronic camera further comprises another mode setting device that chooses between said recording mode and the play mode when the camera mode is set.

The Tanaka reference teaches in Figures 2, 7 and 17, the second mode is a camera mode which includes said recording mode (photograph mode) and the play mode (reproduction mode); and the electronic camera further comprises another mode setting device (switch 14) that chooses between said recording mode and the play mode when the camera mode is set (see pages 3-4, [0059]). The Tanaka reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having another mode setting device that chooses between said recording mode and the play mode when the camera is set so that providing more flexible options to user for quickly choosing recording or review desired images. For that reason, it would have been obvious to the one of ordinary skill in the art at the time to modify the electronic device of Umezawa ('507) for providing another mode setting device that chooses between said recording mode and the play mode when the camera mode is set as taught by Tanaka ('096).

6. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umezawa et al. U.S. Patent 5,491,507 in view of Fumio et al. U.S. Patent 6,515,705, Tanaka et al. U.S. Publication 2002/0191096 and Kiyokawa U.S. Patent 6,204,877.

Referring to claim 14, the Umezawa and Tanaka references disclose all subject matter as discussed in respected claims 12 and 13, and the Tanaka reference discloses mode setting device including main slide switch (11, see page 2, [0039]) for controlling OFF/ON mode for turning off/on power of the camera and SPC switch for setting first mode (PC mode) or second mode (camera function mode including recording mode and play mode that set by a slide switch 14), except that the Umezawa reference does not explicitly show the mode setting device is a single slide switch for setting those three modes (first mode, second mode and OFF mode) by sliding in difference direction.

The Kiyokawa reference discloses in Figures 3-4, an electronic camera has a mode-setting device (47, see Col. 6, lines 60-64) that is a slide switch that can be locked to set three modes (telephone mode, camera mode and remote mode); and the camera mode which includes said recording mode and the play mode. The Kiyokawa reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having a slide switch which can set more than two modes so that the mode setting device can simply and quickly perform the more functions by one switch. For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the electronic device of Umezawa ('507) for providing a single slide switch for setting those three modes (first mode, second mode and OFF mode) by sliding in difference direction as taught by Kiyokawa ('877).

Referring to claim 15, the Umezawa, Tanaka and Kiyokawa references disclose all subject matter as discussed with respected same comment to claims 13-14.

Conclusion

7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lin Ye
Primary Examiner
Art Unit 2622

August 14, 2006